

## FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

### DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The Department of Social Services (CDSS) is required by Health and Safety Code Section 1569.30, to adopt, amend, or repeal regulations for Residential Care Facilities for the Elderly in accordance with the Residential Care Facilities for the Elderly Act, commencing with Section 1569.30 of the Health and Safety Code.
2. Section 87116 of Title 22, California Code of Regulations, authorizes CDSS to approve (by written response) alternate concepts, programs, services, procedures, techniques, equipment, space, personnel qualifications etc., for safe and adequate services, provided the licensee submits a written request for a waiver or exception to the regulations.
3. Certain requests for waivers and/or exceptions are commonly requested by licensees and granted by CDSS on a pro-forma basis as they have not been found to negatively affect the health and/or safety of residents. This waiver/exception process utilizes the limited time and resources of the Department.
4. On October 23, 2001, Governor Davis signed Executive Orders D-48-01 and D-49-01, which ordered all State departments to stop filling vacancies that would constitute a new hire, and to limit spending where possible. On April 4, 2003 the Director of the CDSS notified all staff that all departments had received notice that they will be required to submit a personnel services reduction plan and associated layoff plan to the Department of Finance by the end of April 2003, including a reduction in personnel services budgets of at least 10 percent. All departments are required to participate regardless of funding source. These plans are meant to address the reduction in employee compensation costs of \$855 million that is proposed in the 2003-04 Governor's Budget.
5. Given the seriousness of the current State budget deficit, the Department has determined that placing the conditions of these commonly granted waivers and exceptions into regulation will maintain the current licensing standards for the well being of residents in Residential Care Facilities for the Elderly, and, in turn, eliminate the need for licensees and Department staff to process the unnecessary paperwork and will allow the remaining staff to concentrate on overseeing the health and safety of residents.

### INFORMATIVE DIGEST

These proposed community Care Licensing Division (CCLD) regulations amend specific provisions in Title 22, Division 6, Chapter 8.

Residential Care Facilities for the Elderly are accepting and retaining residents who have certain medical conditions that were previously not allowed. Some aspects of routine care for those medical conditions can be done safely by trained facility staff, however, the facility must first obtain approval from the licensing office. Provision of certain routine care requiring Licensing approval has become more common in facilities and obtaining licensing approval can delay a resident's admission and is time consuming for both the licensee and the licensing office. These proposed regulations include the requirements for documentation, staff training and oversight currently required to obtain licensing approval.

There has been consultation with health care professionals, care providers and field offices. Information was given that some regulations are inconsistent with current common practice and/or difficult to use. Additionally, grammatical errors, redundant information and inconsistencies have been identified in current regulations. In response to those comments and findings, the following amendments are being adopted.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

#### LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Section 1569.30, Health and Safety Code. Subject regulations implement and make specific Section 1569.30, Health and Safety Code.